



Cannabis Control Commission Continues Policy Discussions on Draft Regulations

Policies discussion informed by nearly 500 public comments provided to the commission as part of the regulation writing process

For Immediate Release

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Boston, MA – The Cannabis Control Commission conducted its second day of policy discussions that will amend 935 CMR 500.00, the draft regulations for licensing and implementation of the adult use cannabis industry in Massachusetts.

The decisions made today will be incorporated into a working document that will be subject to a final vote of the Commission, expected to occur next week, before formally promulgating the final regulations prior to the statutory deadline of March 15, 2018.

The policy changes or additions determined include:

Craft Marijuana Cultivator Cooperatives:

Agreed that Craft Marijuana Cultivator Cooperatives must:

- Be a Cooperative Corporation under Massachusetts General Law, in addition to a Limited Liability Corporation and Limited Liability Partnership;
- In order to ensure participation by farmers, that one member will have filed a Schedule F tax income form within the past five years;
- Operate consistently with the Seven Cooperative Principles established by the International Cooperative Alliance in 1995; and
- Be subject to an incremental fee to cover associated inspectional costs, if they are going to incorporate more than six locations.

Cultivation

- In order to prevent overproduction, agreed the Commission will reduce a licensee's permitted cultivation level by one tier if it is unable to sell 85 percent of their inventory over a six-month period.
- Agreed to clarify in regulation that cultivators are permitted to sell seeds and clones to other marijuana establishments and retailers may sell seeds and clones to consumers.
- Agreed to permit a waiver process for licensees that seek to utilize alternate safeguards instead of 24-hour video surveillance, as required by the draft regulations.
 - The Commission will ask local law enforcement to review the waiver or alternate safeguard proposed. Law enforcement will be asked to either sign off or provide a statement of reasons if they are unable or unwilling to sign off.
 - Once the Commission receives the response, or 30 days has passed with no response, it will move ahead with consideration of the

request for a waiver or alternate safeguard, and has the discretion to approve or deny the request.

Medical Supply

- Agreed to require Registered Marijuana Dispensaries that apply for a Marijuana Establishment license to maintain either an adequate medical supply for patients that equates to 35 percent of inventory, or a supply with adequate distribution representative of the average, actual sales over the prior six months.

Licensing and Application Requirements

- Agreed to require licensees to disclose, as part of the licensing application, a list of past or present businesses operating in other jurisdictions and/or states.
- Agreed to add a conflict of interest disclosure detailing any ownership interests of individuals who are included on the license application with any other marijuana establishment.

Labels

- Where labeling the marijuana package or product is impractical, agreed to permit more flexible labeling such as an insert attached to a bag containing the marijuana or marijuana products purchased.
- Agreed to streamline labels and add a required warning stating, "The impairment effects of edible products may be delayed by two hours or more."

Marketing and Advertising

- Agreed to add language, "In case of accidental ingestion, contact the poison control hotline 1-800-222-1222 or 9-1-1," to warnings required on

Marijuana Establishments' marketing, advertising and branding.

Transportation

- Agreed to adopt sanitary requirements for transporting products that are time sensitive or not shelf-stable (e.g. controls for storing products that require refrigeration).
- Agreed to permit alternate safeguards for separate locked compartments when transporting for multiple establishments.
- Agreed to permit licensees to utilize leased vehicles in addition to owned vehicles.

Waste Disposal

- Agreed to incorporate waste disposal standards recommended by the Department of Environmental Protection.

Virtual Separation

- Agreed that the Commission will not require virtual separation until the point of sale.

Retail Sanitary Code

- Agreed to adopt relevant aspects of the retail sanitary code for edibles and other relevant marijuana products.

Consumer Education

- Agreed to make educational materials available to consumers in commonly used languages spoken in Massachusetts and for the hearing and visually impaired;

- Agreed to require retailers to provide consumers with information on the penalties for violation of the law in addition to the educational materials required in the regulations.

Municipal Requirements

- Agreed to offer further guidance on host community agreement and require licensees, upon license renewal, to report all financial implications to the municipality as a result of the host community agreement entered into by the municipality and the licensee.
- Agreed to clarify buffer zones by adopting statutory language from M.G.L. c.94G in place of the regulatory language, and add a point of measure:
 - The 500-foot distance shall be measured in a straight line from the nearest point of the property line of the relevant school (preexisting public or private schools providing education at kindergarten level or grades 1-12), to the nearest point of the property line of the proposed cannabis establishment.

The Cannabis Control Commission will convene again tomorrow, Wednesday, February 28, starting at 10 a.m. in Massachusetts State House Room B-1, Boston, MA.

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